REMARKS

The application has been reviewed and revised in light of the Office Action mailed on June 14, 2005. Claims 1-57 are currently pending in the application, with Claims1, 15, 21, 25, 35, 38, 41 and 48 being in independent form. By this amendment, Claims 1, 15, 21, 25, 35 and 38 have been amended, and new Claims 41-57 have been added. No new matter or issues have been introduced by this amendment. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claim Objection

Claims 1, 15, 21 and 25 were objected to due to informalities. Claims 1, 15, 21 and 25 have been amended to correct the informalities. Therefore, reconsideration and withdrawal of the objection is respectfully requested.

Rejection of Claims 25-40 under 35 U.S.C. § 102

Claims 25-40 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,979,761 to Wurz et al. (hereinafter "Wurz et al."). Wurz et al. is directed to a bar code laser scanner having a plurality of adjustable mirrors and comprising an adjustable X pattern for the detection of a bar code symbol. See Column 3, lines 60-67 and Column 4, lines 1-2. "Adjustment of the X pattern is desirable to account for variation in the scanning process including conveyor speed, height of the bar code symbol and relative placement of the bar code symbol on the package." Column 4, lines 60-63. Wurz et al. further discloses "[w]ith the range of 20 to 90 degrees, the X pattern is ideal for scanning bar code symbols in a picket fence orientation with a greater range of tilt than standard vibrating vane scanners can accommodate. At 90 degrees, the pattern is a standard X pattern and is suitable for omni-directional scanning." Column 5, lines 6-11.

It is respectfully submitted that the present invention as claimed is patentably distinguishable from Wurz et al. Even though Wurz et al. describes omnidirectional scanning, Wurz et al. does not disclose or suggest a reduced set of orientations for omnidirectional scanning, let alone operating the scanning system between two omnidirectional scanning modes, each scanning mode having a different amount of orientations than the other scanning mode.

In particular, with respect to independent Claim1, Wurz, et al. does not disclose or suggest an omnidirectional scanning system comprising: at least one processor comprising: means for operating the scanning system in at least two modes, said means for operating comprising: means for operating the scanning system in a first mode of said at least two modes, wherein said first mode is a non-restricted omnidirectional scan mode for reading the at least one optical code oriented in any orientation of the set of multiple orientations; and means for operating the scanning system in a second mode of said at least two modes, wherein said second mode is a restricted omnidirectional scan mode for reading the at least one optical code oriented in an orientation of a selectable reduced set of the set of multiple orientations, wherein the selectable reduced set of the set of multiple orientations includes less orientations than the set of multiple orientations, as recited by Applicants' Claim 1. (Emphasis added.)

In contrast, the bar code laser scanner described in Wurz et al., although suitable for omnidirectional scanning, is not adapted for "operating the scanning system in at least two modes," that is, a first mode "for reading at least one optical code oriented in any orientation" and a second mode "for reading the at least one optical code oriented in an orientation of a selectable reduced set of the set of multiple orientations, wherein the selectable reduced set of the set of multiple orientations includes less orientations than the set of multiple orientations." Accordingly, independent Claim 1 is believed to be patentably distinct over Wurz et al.

Therefore, reconsideration and withdrawal of the rejection is respectfully requested an allowance of the claims is earnestly solicited.

With respect to independent Claims 15, 21, 25, 35 and 38, it is respectfully submitted that Claims 15, 21, 25, 35 and 38 include similar limitations as independent Claim 1. Therefore, for at least the same reasons given above for independent Claim 1, it is respectfully submitted that independent Claims 15, 21, 25, 35 and 38 are also believed to be patentable over Wurz et al. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested and allowance of the independent claims is earnestly solicited.

Dependent Claims 2-14, 16-20, 22-24, 26-34, 36-37 and 39-40 depend directly or indirectly from independent Claims 1, 15, 21, 25, 35 and 38, and are therefore patentable for at least the reasons given above for independent Claims 1, 15, 21, 25, 35 and 38. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested and allowance of the dependent claims is earnestly solicited.

Rejection of Claims 1-14 and 21-24 under 35 U.S.C. § 103

Independent Claims 1 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wurz et al. as applied under 35 U.S.C. § 102(b) hereinabove in view of U.S. Patent No. 6,715,685 to Dvorkis (hereinafter "Dvorkis"). It is respectfully submitted that the present invention as claimed is patentably distinguishable from Wurz et al., Dvorkis and the combination thereof. The teachings of Wurz et al. have been discussed hereinabove.

It is respectfully submitted that Dvorkis does not cure the deficiencies of Wurz et al. Dvorkis is directed to an optical path design for scanning assembly in compact bar code readers. Dvorkis does not teach or suggest an omnidirectional scanning system having a restricted omnidirectional scan mode "for reading the at least one optical code oriented in an orientation of a selectable reduced set of the set of multiple orientations, wherein the selectable reduced set of the set of multiple orientations includes less orientations than the set of multiple orientations," as recited by Applicants' Claim 1. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested and allowance of independent Claim 1 earnestly solicited.

With respect to independent Claim 21, it is respectfully submitted that independent Claim 21 includes similar limitations as independent Claim 1. Therefore, for at least the same reasons given above for independent Claim 1, it is respectfully submitted that independent Claim 21 is also believed to be patentable over Wurz et al., Dvorkis and the combination thereof. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested and allowance of independent Claim 21 is earnestly solicited.

Dependent Claims 2-14 and 22-24 depend directly or indirectly from independent Claims 1 and 21, and are therefore patentable for at least the reasons given above for independent Claims 1 and 21. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested and allowance of the dependent claims is earnestly solicited.

Rejection of Claims 15-20 under 35 U.S.C. § 103

Claims 15-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wurz et al./Dvorkis as discussed hereinabove and further in view of U.S. Patent No. 5,446,271 to Cherry et al. (hereinafter "Cherry et al."). It is respectfully submitted that the present invention as claimed is patentably distinguishable from Wurz et al., Dvorkis, Cherry et al. and the combination thereof. The teachings of Wurz et al./Dvorkis has been discussed hereinabove.

It is respectfully submitted that Cherry et al. does not cure the deficiencies of Wurz et al./Dvorkis. Cherry et al. is directed to an omnidirectional scanning method and apparatus comprising an image acquisition block 1, a virtual scan line generator block 2, and an edge detection and decode block 3. Cherry et al. does not teach or suggest a two-dimensional imager scanning system having "means for operating the scanning system in a second mode of said at least two modes, wherein said second mode is a restricted omnidirectional scan mode for reading the at least one optical code oriented in an orientation of a predetermined reduced set of the set of multiple orientations, wherein the predetermined reduced set of the set of multiple orientations includes less orientations than the set of multiple orientations; and means for processing the sensing signals," as recited by Applicants' Claim 15. (Emphasis added). Accordingly, reconsideration and withdrawal of the rejection is respectfully requested and allowance of independent Claim 15 is earnestly solicited.

Dependent Claims 16-20 depend directly or indirectly from independent Claim 15, and are therefore patentable for at least the reasons given above for independent Claim 15. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested and allowance of the dependent claims is earnestly solicited.

New Claims 41-57

New Claims 41-57 have been added, with Claims 41 and 48 being in independent form. It is respectfully submitted that new Claims 41-57 do not add new matter and contain elements and features not disclosed in the references of record either taken alone or in any proper combination. Accordingly, allowance of new Claims 41-57 is earnestly solicited.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that none of the references of record, considered individually or in combination, in whole or in part, disclose or suggest the claimed subject matter. Therefore, all claims now pending in this application, namely, Claims 1-57, are now in condition for allowance. Accordingly, early and favorable consideration of this application is respectfully requested. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to contact Applicants' undersigned attorney at the telephone number indicated below.

Respectfully Submitted,

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